Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems	)	PR Docket No. 93-61 RM-8013

COMMENTS OF THE NORTH AMERICAN TELECOMMUNICATIONS ASSOCIATION

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SUMMARY

The Commission's proposed rules for AVM/LMS threaten to completely foreclose the development of new Part 15 applications, including the emerging wireless office telecommunications equipment

[redacted]

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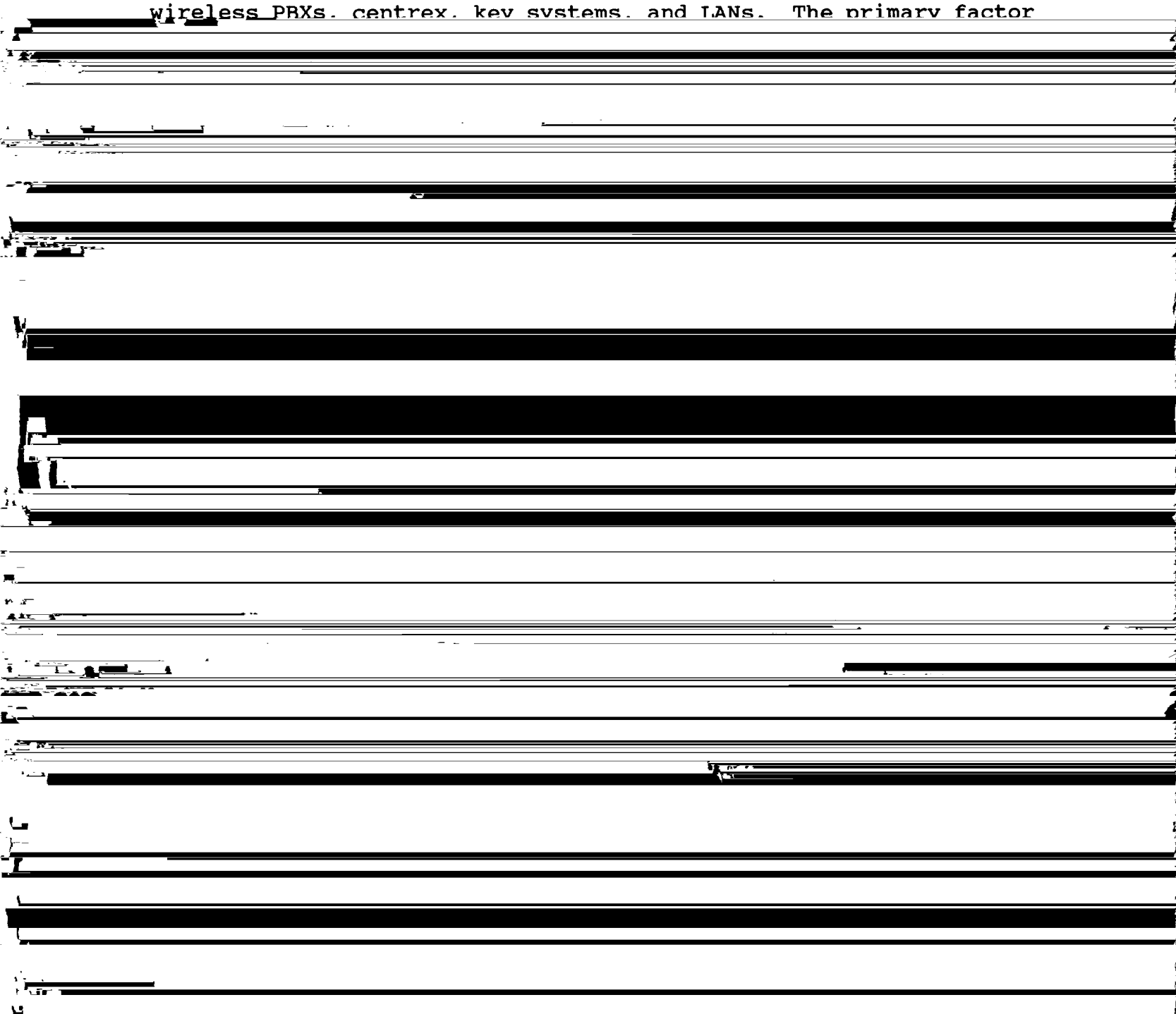
The North American Telecommunications Association ("NATA") hereby submits comments in response to the Commission's Notice of Proposed Rulemaking ("Notice"), FCC 93-141, released April 9, 1993. In the Notice, the Commission proposes to adopt permanent rules authorizing automatic vehicle monitoring and other Location and Monitoring Services ("AVM/LMS") in the 902-928 MHz band.

STATEMENT OF INTEREST

NATA is a trade association comprising more than 600 manufacturers, suppliers, distributors, and users of business telecommunications equipment. Founded in 1970, NATA exists to promote competitive markets and healthy sales and support channels for users of business and public communications products and services. NATA has actively participated in FCC proceedings affecting customer premises equipment ("CPE") markets and has consistently sought to promote regulatory policies that encourage

broad participation by private companies in the telecommunications equipment and services distribution marketplace.

With the recent growth of wireless telecommunications markets, NATA's members are in the forefront of efforts to serve the demand for personal communications by developing and marketing wireless PBXs and other wireless office telecommunications systems. NATA members today are actively developing and, increasingly, marketing wireless PBXs, centrex, key systems, and LANs. The primary factor



pursuant to the Commission's Part 15 rules. Some of these wireless office telecommunications products utilize spread spectrum CDMA technology, while others use other types of wireless technology such as TDMA or FDMA.

These wireless office telecommunications products, as well as a variety of other Part 15 devices, have been developed in direct reliance on the Commission's policy of encouraging investment in innovative technologies using 902-928 MHz and other ISM bands.

The Commission authorized spread-spectrum devices to operate in the 902-928 MHz band in 1985. Authorization of Spread Spectrum and Other Wideband Emissions Not Presently Provided for in the FCC

Subsequently, the Commission authorized other types of (non-spread spectrum) devices to operate in the 902-928 MHz and other ISM bands at emission levels substantially higher than those

Much of the recent research and development activity utilizing this band has focused on the design of unlicensed cordless and wireless office telephone systems [1/] Surveys have uniformly

and centrex systems currently on the market. While there may be disputes about the exact size and rate of growth that can be projected for wireless office systems, there can be little question that the market will be very large and will generate important productivity gains for U.S. industry -- provided that adequate radio spectrum resources are made available.

The 902-928 MHz band is one of only two currently available frequency bands where it appears feasible to design wireless office telecommunications systems, and may be the only band where such systems can be cost-effectively manufactured and marketed at a reasonable price. In most cases, equipment manufacturers who are designing and, in some cases, already marketing equipment for the office telephone market have chosen the 902-928 MHz band because it is relatively free from interference[3/] and because less powerful -- and less expensive semiconductors are needed for equipment operating in this band.

Much of this market activity and the public benefits it has produced may not have been visible to the Commission because of the very policy enunciated in the Commission's Revision of Part 15

manufacturers to introduce new equipment providing major benefits to consumers and to take advantage of new technologies without the need for Commission rule making" (Part 15 Order at 3502), the Commission has created an environment where new technologies are designed, and new products introduced, with only minimal contact between the industry and the Commission -- primarily in the form of Part 15 applications for type approval and, in some cases, Part 68 applications for registration of customer premises equipment. The Commission has not had occasion to undertake the kind of review of present and proposed applications of new technology which would naturally occur in the context of a rulemaking proceeding to adopt or amend rules applicable to a licensing service.

However, the benefits of the new products introduced and under development pursuant to Part 15 are no less real even though they have not been subject to review in a Commission rulemaking.

The authorization of AVM and LMS services in the 902-928 MHz band on the scale contemplated will greatly curtail and potentially eliminate the availability of this band for the use of this band for cordless and wireless business telecommunications systems

activity," would be included in the permanent authorization, as would the 912-918 MHz band, which is not currently authorized for AVM.

Moreover, the Commission proposes to greatly expand eligibility for use of AVM service to include individuals and the Federal Government as well as business users. Further, the Commission proposes to allow AVM licensees to provide service as "private carriers."

Finally, the allowable uses of AVM systems, which are currently limited to locating vehicles and to transmitting status and information related to the vehicles involved, would be greatly expanded to include "the location of all objects, animate as well as inanimate." Notice, ¶ 9.

The Commission specifically acknowledges that such expansion of eligibility and permissible uses could "lead to rapid congestion of available spectrum." Id.

Given the proposal to use the entire 902-928 MHz band and to expand the eligibility and allowable uses, NATA believes it is inevitable that the authorization will substantially curtail or even terminate the usefulness of this band for Part 15 devices such as cordless and wireless office telecommunications systems. This will jeopardize the millions of dollars that manufacturers have already invested in researching and bringing to market office telecommunications products that use the 902-928 MHz band. Further, wireless office telecommunications equipment which already

has been installed will be rendered obsolete.

The overall result will be to stall the development of an extremely promising new telecommunications equipment market which offers major productivity gains to industry and important benefits to the huge segment of the public which uses business telephones.

The fact that these Part 15 devices are authorized on a secondary basis does not justify a policy decision to cut short the development of a promising new industry. This is not a proceeding in which the Commission is adjudicating claims of interference to existing services. Rather, the Commission is proposing to set policy: to authorize a new permanent service which would effectively oust existing Part 15 equipment users. The Commission's proposed rule also would displace numerous Part 15-reliant industries, including the wireless office telecommunications industry, from what appears to be their only viable spectrum resource.

II. THE PROPOSED UNLICENSED PCS ALLOCATION IS NOT A VIABLE ALTERNATIVE FOR WIRELESS OFFICE TELECOMMUNICATIONS SYSTEMS AT THIS TIME

As discussed above, there does not appear to be any other frequency band where such products can be cost effectively designed and marketed. It is true that in the Personal Communications Services ("PCS") proceeding, the Commission has proposed to allocate 20 MHz of spectrum (at 1910-1930 MHz) for "unlicensed PCS" devices, including cordless and wireless office telephones.

However, this allocation has not been approved. Indeed, technical rules which would permit the band to be used at all were only

will not be adequate to accommodate the demand for office telecommunications systems. In addition, the record in that proceeding indicates that the technical rules (in the form of a proposed "spectrum etiquette") which are proposed to govern the use of the 1910-1930 MHz band will not accommodate spread-spectrum technology based systems. Therefore, the 902-928 MHz band will continue to be needed for the spread-spectrum based office telecommunications systems for which it was originally authorized under Part 15, even if and when an alternative frequency band for other systems eventually is authorized and cleared.

Therefore, the manufacturers who are attempting to bring wireless systems to the market must rely on the existing ISM bands, and primarily on the 902-928 MHz band.

III. THE PROPOSED AVM/LMS ALLOCATION IS EXCESSIVE AND MAY BE DUPLICATIVE

Further, it appears that the proposed allocation for AVM/LMS services may be duplicative and that the services contemplated could be offered under other existing or proposed allocations. Recent Commission actions, for example, have significantly expanded the allowable uses of cellular telephone service and private SMRS mobile services. In addition, the Commission's proposed allocation of almost 100 MHz for licensed PCS has few if any restrictions as to the kinds of services that may be offered. It would appear that AVM/LMS applications could be easily accommodated under any of these existing or proposed allocations, to the extent that there

is a market for them. Therefore, the proposed allocation may be duplicative. The proponents of the AVM/LMS allocation should bear the burden of proving why the applications they seek to develop cannot be implemented under other licensed services.

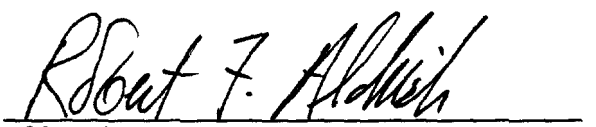
If the Commission does conclude that there should be a permanent allocation for AVM/LMS in the 902-928 MHz band, the Commission should limit the amount of spectrum allocated in order to minimize the impact on existing Part 15 uses such as wireless office telecommunications systems. The interim allocation was made almost 20 years ago. Since then, the advances in telecommunications technology, including spectrum conservation techniques, have been awesome. If those attempting to gain a permanent authorization for wideband AVM/LMS services have kept pace with the advances in technology, they should be able to provide service at a much narrower bandwidth than the 8 MHz initially authorized. Therefore, the Commission should view with great skepticism any claim that 8 MHz is still required. See Notice, ¶ 17 and n. 36. To encourage efficient use of spectrum, the Commission should reduce rather than expand the overall allocation for AVM/LMS. The Commission should assume that AVM/LMS are aware of spectrum conservation techniques and can manage with less spectrum than was required under the technology contemplated 20 years ago.

The Commission also should refrain from expansion of eligibility and allowable uses of AVM/LMS systems. In particular,

it would be inappropriate to allow "private carrier" operation of these systems. Under bills pending before Congress, services such as "private carrier" services, which involve the "resale of spectrum to subscribers," would be subject to allocation by spectrum auctions. See H.R. 2264; H. Rept. 103-111. To allow private carriers to obtain licenses for AVM/LMS services without holding an auction would be contrary to the thrust of the currently

opportunity to introduce LMS applications pursuant to other existing or proposed licensed services.

Respectfully submitted,



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